THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.28024 of 2005

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24.01.2006

Between:

Housing Board 1979 Demand Survey Applicants Welfare

Association, APHB Colony, Pedgantyada, Visakhapatnam

... Petitioner

AND

The Chairman, A.P.Housing Board, Hyderabad.

And others

...Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.28024 of 2005

ORDER:

Housing Board 1979 Demand Survey Applicants Welfare Association is the petitioner. The writ petition is filed assailing the orders of the Government of Andhra Pradesh, the second respondent herein, in issuing G.O.Ms.No.4 dated 05.1.1980 allotting 629 flats constructed by A.P. Housing Board (APHB) to Visakhapatnam Steel Plant – the fourth respondent herein; as illegal and arbitrary.

The case of the petitioners in a nutshell is that pursuant to a demand survey/allotment notification issued by APHB in 1979, the members of the petitioner association applied for allotment of Middle Income Group (MIG) houses at Maddillapalem in Visakhapatnam Corporation. The houses were not allotted. Recently, the petitioner came to know that in contravention of Regulation 12 of the A.P. Housing Board Allotment (Management and sale of Low Income Group houses

and Middle Income Group houses) Regulations, 1975, the second respondent allotted 629 houses to fourth respondent. Therefore, the present writ petition is filed.

The learned Counsel for the petitioner made elaborate submissions. The learned Standing Counsel for Visakhapatnam Steel Plant opposed the writ petition contending that the writ petition is filed in gross abuse of process of Court. He would submit that as many as six members of the petitioner association along with 17 others filed W.P.No.10642 of 1991 for a similar relief and a Division Bench of this Court upheld the validity of the G.O. A copy of the judgment of the Division Bench in W.P.No.10642 of 1991 and batch dated 01.7.1998 is placed before this Court. After perusing the judgment of the Division Bench, this Court is convinced that the writ petition is filed suppressing the factum of filing earlier writ petition and that the questions raised herein are squarely covered by the Diision Bench of this Court, which is binding.

The writ petition is, therefore, dismissed *in limine*. No costs.

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(**V.V.S.RAO, J**)

January 24, 2006.

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